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	EXAMINER
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ART UNIT	PAPER NUMBER
2624	9

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/108,715	NAGATA, KOICHI
	Examiner	Art Unit
	Kevin C Kianni	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-15_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nosaki et al. (US 5673373).

Regarding claim 1, Nosaki teaches a facsimile apparatus (shown in fig. 1) capable of receiving confidential image data from an origin and provided with a confidential reception function (shown in figures 1 and 3; col. 3, lines 42-57 and col. 4, line 57), comprising: a memory 46 which stores received confidential data (see fig. 3, item 46 and 61a; col. 3, lines 36-50); a notification data transmission means CPU 11 for transmitting notification data to said origin (see col. 2, lines 6-7) indicating that the confidential image data has not been retrieved (see fig. 11; col. 6, lines 24-28 and col. 8, lines 22-31; also col. 6, lines 11-24), in the event that the confidential image data stored in the memory area has not been retrieved in a predetermined time (see fig. 11 and 25 (item 3rd parag.); and col. 1, lines 57-63; and col. 8, lines 22-31; <u>col. 8, line 64 through col. 9, line 2</u>); and a deletion means 70 for deleting the confidential image data from the memory in response to the completion of transmission of said notification data by the notification data transmission means (see fig. 11, last item; and <u>col. 7, lines 64-</u>

67 and col. 8, lines 32-33; also fig. 3, element 70; and col. 6, lines 11-24); Wherein said notification data is transmitted if the confidential image data has not been retrieved after a predetermined time (see col. 5, line 66 through col. 6, line 7 and col. 8, lines 32-37).

Regarding claim 2, Nosaki further teaches wherein said notification data includes at least a part of the confidential image data (see fig. 11, first item; and col. 7, lines 64-67).

Regarding claim 3, Nosaki further teaches wherein said notification data includes time information of the confidential image data transmission (see col. 12, lines 17-19).

Regarding claim 4, Nosaki further teaches wherein said notification data includes an addressee information of the confidential image data (see fig. 11 and col. 8, lines 22-37; and col. 7, lines 46-50; see also col. 5, lines 43-52).

Regarding claim 5, Nosaki further teaches wherein said notification data includes information providing notification that the confidential image was erased (see fig. 11, last item and col. 6, lines 14-34; see also col. 8, lines 22-31).

Regarding claim 6, Nosaki further teaches a retransmission means for re-transmitting the notification data when transmission of the notification data is not completed successfully (see fig. 11, item inform user; col. 8, lines col. 8, lines 22-31).

Regarding claim 7, Nosaki further teaches a prohibiting means for prohibiting said deletion of the confidential image data when the transmission of the notification data is not completed after a predetermined times of retransmission attempts (see fig. 19 and 25; and col. 10, lines 16-43).

Regarding claim 8, Nosaki further teaches an identification means for identifying a transmitter telephone number based on transmitted data (see fig. 15; and col. 3, lines 51-54; and col. 9, lines 51-60); wherein said memory stores the transmitter telephone number in connection with the confidential image (see col. 5, lines 43-51).

Regarding claim 9, Nosaki further teaches wherein said notification data transmission means transmits the notification data using the identified telephone number by the identification means (see fig. 11 and col. 3, lines 51-54; and col. 8, lines 22-31; and col. 7, lines 46-50; see also col. 5, lines 43-52).

Regarding claim 10, Nosaki further teaches wherein said memory stores a time of receipt of the confidential image data in, connection with the confidential image (see col. 12, lines 17-19).

capable of receiving confidential image data from an origin and provided with a confidential reception function (shown in figures 1 and 3; col. 3, lines 42-57 and col. 4, line 57), comprising: a memory 46 which stores received confidential data (see fig. 3, item 46 and 61a; col. 3, lines 36-50); a notification data transmission means CPU 11 for

transmitting notification data to said origin (see col. 2, lines 6-7) indicating that the confidential image data has not been retrieved (see fig. 11; col. 6, lines 24-28 and col. 8, lines 22-31; also col. 6, lines 11-24), in the event that the confidential image data stored in the memory area has not been retrieved in a predetermined time (see fig. 11 and 25 (item 3rd parag.); and col. 1, lines 57-63; and col. 8, lines 22-31; col. 8, line 64 through col. 9, line 2); and a deletion means 70 for deleting the confidential image data from the memory in response to the completion of transmission of said notification data by the notification data transmission means (see fig. 11, last item; and col. 7, lines 64-67 and col. 8, lines 32-33; also fig. 3, element 70; and col. 6, lines 11-24).

Regarding claim 11, Nosaki teaches a facsimile apparatus provided with a confidential reception function (see fig. 3, items 21-23; col. 3, lines 42-57 and col. 4, line 57), comprising: a memory which stores received confidential image data (see fig. 3, item 46 and 61a; col. 3, lines 36-50); an output means for outputting stored confidential image data in response to input of a password by an operator (see fig. 3, item 35, col. 5, lines 32-37 and col. 6, lines 9-24); a determination means for determining whether confidential image data has been output by the output means 35 within a predetermined time after its reception (see fig. 11, item inform user; see col. 1, lines 57-63; and col. 8, lines col. 8, lines 22-31); a notification data transmission means for transmitting notification data indicating that confidential image data has not been output (see fig. 11; also col. 6, lines 8-24), when the determination means 61 (col. 3, lines 56-59) has determined that output of the confidential image data has not been performed (see fig. 11, item inform user; col. 8, lines col. 8, lines 22-31); a detection means (CPU 11, col, 6,

lines 24-31) for detecting proper completion of transmission of the notification data (see fig. 11, last item; and col. 7, lines 64-67); and a deletion means 70 for deleting confidential image data from the memory in response to detection by the detection means (see fig. 11, last item; and col. 7, lines 64-67; also fig. 3, element 70; and col. 6, lines 11-24).

Regarding claim 12, Nosaki further teaches wherein said notification data includes at least a part of the confidential image data (see fig. 11, first item; and col. 7, lines 64-67).

Regarding claim 13, Nosaki teaches a managing method for managing a confidential received image in a facsimile apparatus provided with a confidential reception function (see fig. 3, items 21-23; col. 3, lines 42-57 and col. 4, line 57), comprising the steps of: receiving confidential image data and storing the image data in a memory (see fig. 3, item 46 and 61a; col. 3, lines 36-50); monitoring whether the stored confidential image data has been output within a predetermined time after the image data reception (see fig. 11, item inform user; see col. 1, lines 57-63; and col. 8, lines col. 8, lines 22-31); transmitting notification data indicating that output has not occurred, when output has not occurred within the predetermined time (see fig. 11, item inform user; col. 8, lines col. 8, lines 22-31); detecting proper completion of transmission of the notification data (see col. 6, lines 14-23); and deleting the confidential image data from the memory in response to a detection (see fig. 11, last item; and col. 7, lines 64-67).

Regarding claim 14, Nosaki further teaches wherein said notification data includes at least a part of the confidential image data (see fig. 11, first item; and col. 7, lines 64-67).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nosaki et al. (US 5673373) and further in view of Karaki Masato (06070079 A).

Regarding claim 15, Nosaki teaches a facsimile apparatus (shown in fig. 1) capable of receiving confidential image data from a source (shown in figures 1 and 3; col. 3, lines 42-57 and col. 4, line 57), comprising: a memory 46 capable of storing received confidential image data (see fig. 3, item 46 and 61a; col. 3, lines 36-50); a notification transmitter adapted to transmit notification data to the source (see col. 2, lines 6-7); a confirmation apparatus 61 adopted to confirm receipt of the notification data by the source (see col. 8, lines 22-26); a deleting apparatus 70 adapted to delete stored confidential image data (see fig. 11, last item; and <u>col. 7, lines 64-67 and col. 8, lines 32-33</u>; also fig. 3, element 70; and col. 6, lines 11-24).

Nosaki further teaches wherein the notification transmitter transmits the notification data after a predetermined time if the confidential image data has not been

retrieved (see fig. 11 and 25 (item 3rd parag.); and col. 1, lines 57-63; and col. 8, lines 22-31; col. 8, line 64 through col. 9, line 2).

However, Nosaki does not explicitly teach the deleting apparatus deletes the confidential image data when the confirmation apparatus confirms that the source has retrieved the notification data. This deletion method is taught by Masato.

Masato teaches a facsimile apparatus (shown in fig. 1) that deletes the image data when the confirmation apparatus confirms that the source has retrieved the notification data (see lines 7-12 of abstract). Thus, Masato increases the capacity of image data storage by deleting the image data and prevents imprudent deletion of image data (see lines 15-17 of abstract).

Therefore it would have been obvious to a person of ordinary skilled in the art to modify Nosaki's deletion apparatus 70 and incorporate Masato instruction control means 20 in order to produce a facsimile that would be able to deletes the confidential image data when the confirmation apparatus confirms that the source has retrieved the notification data. This resultant facsimile would have the capability to delete the excess image data information after receiving confirmation that the source has retrieved the notification data thereby increasing the capacity of image data storage for receiving new image data and prevents imprudent deletion of image data (see lines 15-17 of abstract).

THIS ACTION IS MADE FINAL

3.   Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Cyrus Kianni whose telephone number is (703) 308-1216. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached at (703) 308-7452.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 308-9051, (for formal communications intended for entry)
or:
(703) 308-5397, (for informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-3900.

Kaveh Cyrus Kianni
Patent Examiner

Group Art Unit 2624
February 13, 2001

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